D.B. CIVIL WRIT PETITION NO.4064/2005
(Hindustan Zinc Ltd. V/s Union of India)

20.1.2006

**PRESENT**

**HON'BLE MR. JUSTICE RAJESH BALIA**
**HON'BLE MR. JUSTICE R.P.VYAS**

Mr.Rajendra Mehta, for the petitioner.
Mr.V.K. Mathur, for the respondents.

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The learned counsel for the parties state that this writ petition may also be disposed of in like manner as other D.B. Civil writ petition no.4152/2005 (Hindustan Zinc Ltd. V/s Union of India and ors.) has been disposed of raising the same issue.

This writ petition is directed against the order refusing stay of recovery during the pendency of the appeal before the Customs, Excise and Service Tax Appellate Tribunal. Learned Counsel for the petitioner states that in terms of the interim order dtd.13.7.2005 passed by this Court 50% of the Excise duty has already been deposited.

In these circumstances, we deem it just and proper to dispose of this petition by directing the

Tribunal to decide the appeal within a period of three months and during the pendency of the appeal, interim order passed by this Court shall remain in force.

(R.P.VYAS)J (RAJESH BALIA)J.

SS/-